IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

FRIDAY, THE SEVENTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE THE ACTING CHIEF JUSTICE BILAL NAZKI**

**and**

**THE HON'BLE MR JUSTICE G.CHANDRAIAH**

**WRIT APPEAL NO : 1115 of 2005**

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 28/04/2005 in WP NO: 3890 OF 2005 on the file of the High Court.)

Between:

Smt. Hameeda Begum, W/o.Late Syed Ahmed,
R/o.H.No.2-5-62/1, Gurudapeta Street,
Gadwal, Mahaboobnagar District.

**..... APPELLANT**

AND

1 The Municipal Commissioner, Gadwal Municipality, Gadwal,

Mahaboobnagar District.
2 The Assistant Director of Survey and Land Records,

Mahaboobnagar.
3 Smt.Habeeb Bee, W/o.Late Abdul Rasheed,
R/o.2-5-62, Gurdapeta Street,
Gadwal, Mahaboobnagar Dist.

**.....RESPONDENTS**

**Counsel for the Appellant: MR. SYED SHAREEF AHMED**

**Counsel for the Respondent No.1: MR.POLISETTI RADHAKRISHNA (SC FOR MPL)**

**Counsel for the Respondent 2 : G.P. for Revenue.**

**The Court made the following :**

**JUDGMENT : (Per Hon'ble Sri Bilal Nazki, ACJ)**

Heard learned Counsel for the parties.

The grievance of the writ petitioner was that respondent No.3 had encroached the Municipal land adjacent to his land, which he had purchased 14 years ago from the Municipality and Municipality was not taking any steps to remove the encroachment made by respondent No.3.

In the counter affidavit filed, it was stated by the Municipality that respondent No.3 had filed a civil suit for perpetual injunction against the Municipality, being O.S.No.51 of 1985. The suit was decreed in 1989. The Municipality preferred appeal in A.S.No.21 of 1989, which was dismissed on 13.08.1993. The Municipality again filed second appeal in S.A.No.250 of 1994 before the High Court. The High Court dismissed the second appeal on 04.02.2004. As such, the Municipality cannot entertain any dispute with regard to alleged encroachment. The decrees of the Civil Court in favour of respondent No.3 have become final.

In these circumstances, we do not think that any interference is called for in the order passed by the learned Single Judge. Appeal is accordingly dismissed. No order as to costs.

_____

(BILAL NAZKI, ACJ)

17th June 2005.

_____

(G. CHANDRAIAH, J)

ajr

……REGISTRAR

// TRUE COPY //

SECTION OFFICER

**To**

1 The Municipal Commissioner, Gadwal Municipality, Gadwal,

Mahaboobnagar District.
2 The Assistant Director of Survey and Land Records,

Mahaboobnagar.
3 Two C.Cs. to G.P. for Revenue, High Court buildings,

Hyderabad.(O.U.T

4 2 CD copies